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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,678	07/28/2004	Harold Sun	81081067	4677

46535 7590 06/07/2006

BIR LAW, PLC/FGTL
45094 MIDDLEBURY COURT
CANTON, MI 48188-3215

EXAMINER

TRIEU, THAI BA

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/710,678

Applicant(s)

SUN ET AL.

Examiner

Thai-Ba Trieu

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-8,10-23 and 25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 1-3,6-8,10-18 and 20-22 is/are allowed.
 6) ☒ Claim(s) 19,23 and 25 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

In view of newly discovery prior art, the indicated allowable subject matter of claims 1-3, 6-8, 10-23 and 25 has been withdrawn. A new Non-Final rejection, based on the Amendment filed on March 01, 2006, is set forth below.

Claim Objections

Claims 22 and 25 are objected to because of the following informalities:

- In Claim 22, line 5, ***“second turbine”*** should be replaced by – **first turbine** – *(for incorporating with the specification and drawings)*.

- In Claim 25, lines 3-4, ***“inlets”*** and ***“outlets”*** should be replaced by – **inlet** – and – **outlet--** *(for incorporating with the drawings)*

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (Patent Number 5,199,261).

Regarding claim 19, Baker discloses a system for turbocharging an internal combustion engine, the system comprising:

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first and second turbochargers (16, 30; 20, 34) each having an associated compressor (30, 34) and turbine (16, 20);

a plurality of flow control devices (50, 52; 56, 58) for selectively routing intake and exhaust flow (36, 32, 26; 12, 18, 22) to and from the first and second turbochargers(16, 30; 20, 34); and

a controller (54) in communication with the plurality of flow control devices (50, 52; 56, 58), the controller selectively actuating the plurality of flow control devices to operate the first and second turbochargers (16, 30; 20, 34) in one of a series configuration and a parallel configuration based on current operating conditions, wherein the controller (54) actuates the plurality of flow control devices (50, 52; 56, 58) to couple an outlet of the second compressor (34) to an inlet of the first compressor (30) and to couple an outlet of the first turbine (16) to an inlet of the second turbine (20) when operating the turbocharger in the series configuration (See Figure 3, Column 2, lines 47-59, and Column 6, lines 1-25).

Regarding claim 23, Baker discloses a computer readable storage medium (in the controller 54) having stored data representing instructions executable by a computer for controlling a turbocharged internal combustion engine having at least two turbochargers (16, 30; 20, 34), the computer readable storage medium comprising:

instructions for operating the turbochargers (16, 30; 20, 34) in a series configuration for a first operating region by actuating a plurality of valves (50, 52; 56, 58)

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to couple an outlet of a second compressor (34) to an inlet of a first compressor (30) and to couple an outlet of a first turbine (16) to an inlet of a second turbine (20); and

instructions for operating the turbochargers in a parallel configuration for a second operating region (See Figure 3, Column 2, lines 47-59, and Column 6, lines 1-25).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (Patent number 5,199,261), in view of Dinger (Patent Number 4,453,381).

Baker discloses the invention as recited above, and further discloses the instructions for operating the turbochargers in a parallel configuration including instruction for actuating a valve (via 56, 58) to connect the turbocharger compressor outlet to an intake manifold; however, Baker fails to disclose a valve to connect the turbocharger compressor inlets.

Dinger teaches that it is conventional in the turbocharged internal combustion engine art, to utilize a valve to connect the turbocharger compressor inlets (18, 24 at the upstream of the compressor 21).

It would have been obvious to one having ordinary skill in the art at that time the invention was made, to have utilized a valve to connect the turbocharger compressor inlets, as taught by Dinger, to improve the control of the intake air flow, in the Baker device.

Allowable Subject Matter

Claims 1-3, 6-8, 10-18, and 20-22 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (571) 272-4867. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB
May 09, 2006


Thai-Ba Trieu
Primary Examiner
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